

U.S. DEPARTMENT OF JUSTICE
 OFFICE OF THE U.S. TRUSTEE
 33 Whitehall, 21st Floor
 New York, NY 10007
 (212) 510-0500; Fax (212) 668-3253
 Lisa L. Lambert (LLL 4913)

	§	
	§	
IN RE BAYOU GROUP, LLC, etal..	§	On appeal from
	§	Case No. 06-22306 (ASH)
	§	Chapter 11
Debtor(s).	§	
	§	
DIANA G. ADAMS,	§	
ACTING U.S. TRUSTEE,	§	
Appellant,	§	Contested matter:
v.	§	United States Trustee's Motion to
JEFFREY MARWIL, CUSTODIAN and	§	Appoint a Chapter 11 Trustee
UNSECURED CREDITORS' COMMITTEE	§	
Appellee.	§	

**UNITED STATES TRUSTEE'S DESIGNATION
 OF ISSUES AND APPELLATE RECORD FOR
 APPEAL OF ORDER DENYING MOTION TO APPOINT A TRUSTEE**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

In connection with the appeal of the Order Denying the Motion to Appoint a Trustee
(docket entry 49, entered 06/30/06), the United States Trustee for Region 2 designates the
 following issues and record for appeal:

United States Trustee's Designation of Issue for Appeal

Did the Bankruptcy Court err when it denied the United States Trustee's Motion
 to Appoint a Chapter 11 Trustee?

United States Trustee's Designation of the Appellate Record

In accordance with Federal Rule of Bankruptcy Procedure 8006, the United States Trustee for Region 2 designates the following items for appeal:

File or Entry Date	Docket Entry	Style or Description
	Docket sheet	Docket sheet from In re Bayou Group, LLC, Bankr. No. 06-22306
06/20/2006	29	Motion to Appoint Trustee (Chapter 11 Trustee) filed by Lisa L. Lambert on behalf of United States Trustee. (Lambert, Lisa) (Entered: 06/20/2006)
06/20/2006	30	Motion to Limit Notice and Shorten Objection Period for Motion to Appoint Chapter 11 Trustee filed by Lisa L. Lambert on behalf of United States Trustee. (Lambert, Lisa) (Entered: 06/20/2006)
06/26/2006	34	Order signed on 6/26/2006 Granting Application for Shortened Objection Time and for Shortened Service List for Motion to Appoint a Chapter 11 Trustee. (related document(s)30). Hearing to be held on 6/29/2006 at 10:30 AM at Courtroom 520, White Plains Office (Tavarez, Arturo) (Entered: 06/26/2006)
06/27/2006	35	Memorandum of Law /Memorandum of Law in Opposition to the Motion of the United States Trustee for the Appointment of a Chapter 11 Trustee (related document(s)29) filed by Elise Scherr Frejka on behalf of Bayou Group, LLC. (Attachments: # <u>1</u> Appendix A - Order# <u>2</u> Appendix B - Excerpts from Refco Hearing) (Frejka, Elise) (Entered: 06/27/2006)
06/27/2006	36	Notice of Hearing on Motion to Appoint Trustee (Chapter 11 Trustee) (related document(s)29) filed by Lisa L. Lambert on behalf of United States Trustee. (Lambert, Lisa) (Entered: 06/27/2006)
06/28/2006	39	Objection to Motion / Objection and Memorandum of Law in Opposition to the United States Trustee's Motion to Appoint a Chapter 11 Trustee (related document(s)29) filed by Robert M. Novick on behalf of Official Unsecured Creditors' Committee. (Novick, Robert) (Entered: 06/28/2006)
06/28/2006	40	Declaration of Jonathan J. Fisher in Opposition to the United States Trustee's Motion to Appoint a Chapter 11 Trustee (related document(s)39) filed by Robert M. Novick on behalf of Official Unsecured Creditors' Committee. (Novick, Robert) (Entered: 06/28/2006)

06/28/2006	41	Response to Motion / Response of Eric and Diane Garfinkel in Support of United States Trustee's Motion to Appoint a Chapter 11 Trustee (related document(s) <u>29</u>) filed by Philip Bentley on behalf of Diane Garfinkel, Eric Garfinkel. with hearing to be held on 6/29/2006 at 10:30 AM at Courtroom 520, White Plains Office (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B (Part 1)# <u>3</u> Exhibit B (Part 2)# <u>4</u> Exhibit C# <u>5</u> Exhibit D# <u>6</u> Exhibit E# <u>7</u> Exhibit F) (Bentley, Philip) (Entered: 06/28/2006)
06/28/2006	44	Supplemental Objection to Motion /Supplemental Response Of The Debtors And Debtors-In-Possession In Further Opposition To The Motion Of The United States Trustee To Appoint A Chapter 11 Trustee (related document(s) <u>29</u>) filed by Elise Scherr Frejka on behalf of Bayou Group, LLC. (Frejka, Elise) (Entered: 06/28/2006)
06/30/2006	49	Order signed on 6/30/2006 Denying Motion of the United States Trustee for the Appointment of a Chapter 11 Trustee. (Tavarez, Arturo) (Entered: 06/30/2006)
		Transcript of June 29, 2006, Hearing on Motion of the United States Trustee for the Appointment of a Chapter 11 Trustee, including Court's findings of facts and conclusions of law

Respectfully submitted,
 DIANA G. ADAMS,
 ACTING UNITED STATES TRUSTEE,
 Appellant,

/s/ Lisa L. Lambert (LLL 4913)

Lisa L. Lambert
 Trial Attorney
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Affirmation of Service

I, Lisa L. Lambert, declare under penalty of perjury that:

1. I am an attorney with the Office of the United States Trustee for the Southern District of New York.
2. On July 20, 2006, I served a copy of the United States Trustee's Designation by mail on the custodian, the custodian's counsel, the proposed counsel for the committee, counsel for the Garfinkels, and counsel filing notices of appearance -- at the addresses listed on the attached list -
- by depositing a copy of this appointment in a sealed envelope, with postage pre-paid, in an official depository of the U.S. Postal Service within the City and State of New York.

Dated: July 20, 2006

New York, New York

/s/ Lisa L. Lambert (LLL4913)

Lisa L. Lambert

Service List for Designation on Appeal

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